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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/081,029	02/21/2002	Michael Wayne Brown	AUS920010846US1	1644

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AMY PATTILLO
307 INWOOD ROAD
AUSTIN, TX 78746

EXAMINER

TAYLOR, BARRY W

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 06/18/2004

5

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/081,029

Applicant(s)

BROWN ET AL.

Examiner

Barry W Taylor

Art Unit

2643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-54 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

1. Claims 1, 6 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morganstein (5,724,408) in view of Kuhn et al (6,724,866 hereinafter Kuhn).

Regarding claims 1, 6 and 11. Morganstein teaches method, comprising:
detecting a context for a call from a first party to second party (abstract, col. 3 lines 27-32, col. 3 line 33 – col. 4 line 63, col. 5 lines 1-36, col. 6 lines 24-65, col. 6 lines 4-12, col. 6 lines 47-50, col. 7 line 13 – col. 8 line 54, col. 9 lines 27-58);

comparing the context for the call with a selection of context based criteria for particular line (abstract, col. 3 lines 27-32, col. 3 line 33 – col. 4 line 63, col. 5 lines 1-36, col. 6 lines 24-65, col. 6 lines 4-12, col. 6 lines 47-50, col. 7 line 13 – col. 8 line 54, col. 9 lines 27-58); and

only establishing a communication channel between the first party and second party through the particular line if the context is acceptable within the selection of context based criteria (abstract, col. 3 lines 27-32, col. 3 line 33 – col. 4 line 63, col. 5 lines 1-36, col. 6 lines 24-65, col. 6 lines 4-12, col. 6 lines 47-50, col. 7 line 13 – col. 8 line 54, col. 9 lines 27-58).

Morganstein does not explicitly show regulating calls.

Kuhn cites Morganstein (see References cited by Morganstein) wherein call screener used to elicit speech from incoming caller whereby the telephony system routes calls based on comparison of the elicited speech to a set of stored speaker models (abstract). Kuhn discloses that the context for call may be used to determine “company affiliation” of caller (columns 1-2). Kuhn further shows context used to determine different classes of callers whereby different actions to be taken (col. 2 lines 34-64, col. 3 lines 3-4). Kuhn even discloses regulating based upon time context (col. 4 lines 37-63). Kuhn allows for dynamic context information as well. For example, if user wants to regulate calls from a rare coin vendor, the user simply creates context information to be used to regulate “coin vendors” (col. 4 line 19 – col. 5 line 63).

It would have been obvious for anyone of ordinary skill in the art at the time of invention to modify the processor as taught by Morganstein to use context based criteria

as taught by Kuhn for the benefit of allowing user to dynamically select desired call context to be used as filtering criteria as taught by Kuhn.

Regarding claims 2, 7 and 12. Morganstein fails to show using call screener.

Kuhn cites Morganstein (see References cited by Morganstein) wherein call screener used to elicit speech from incoming caller whereby the telephony system routes calls based on comparison of the elicited speech to a set of stored speaker models (abstract). Kuhn discloses that the context for call may be used to determine "company affiliation" of caller (columns 1-2). Kuhn further shows context used to determine different classes of callers whereby different actions to be taken (col. 2 lines 34-64, col. 3 lines 3-4). Kuhn even discloses regulating based upon time context (col. 4 lines 37-63). Kuhn allows for dynamic context information as well. For example, if user wants to regulate calls from a rare coin vendor, the user simply creates context information to be used to regulate "coin vendors" (col. 4 line 19 – col. 5 line 63).

It would have been obvious for anyone of ordinary skill in the art at the time of invention to modify the processor as taught by Morganstein to use context based criteria as taught by Kuhn for the benefit of allowing user to dynamically select desired call context to be used as filtering criteria as taught by Kuhn.

Regarding claims 3, 8 and 13. Kuhn discloses that user is able to define any type of criteria to be used as context thereby filtering telephony calls (col. 4 line 64 – col. 5 line 7).

Regarding claims 4 and 9. Morganstein allows calling party to select extension number associated with the called party (col. 4 lines 41-43).

Regarding claims 14 and 15. Morganstein fails to show third party criteria.

Kuhn cites Morganstein (see References cited by Morganstein) wherein call screener used to elicit speech from incoming caller whereby the telephony system routes calls based on comparison of the elicited speech to a set of stored speaker models (abstract). Kuhn discloses that the context for call may be used to determine "company affiliation" of caller (columns 1-2). Kuhn further shows context used to determine different classes of callers whereby different actions to be taken (col. 2 lines 34-64, col. 3 lines 3-4). Kuhn even discloses regulating based upon time context (col. 4 lines 37-63). Kuhn allows for dynamic context information as well. For example, if user wants to regulate calls from a rare coin vendor, the user simply creates context information to be used to regulate "coin vendors" (col. 4 line 19 – col. 5 line 63).

It would have been obvious for anyone of ordinary skill in the art at the time of invention to modify the processor as taught by Morganstein to use context based criteria as taught by Kuhn for the benefit of allowing user to dynamically select desired call context to be used as filtering criteria as taught by Kuhn.

Regarding claims 16, 19 and 22. Morganstein teaches method, comprising:

detecting a context for a call from a first party to second party (abstract, col. 3 lines 27-32, col. 3 line 33 – col. 4 line 63, col. 5 lines 1-36, col. 6 lines 24-65, col. 6 lines 4-12, col. 6 lines 47-50, col. 7 line 13 – col. 8 line 54, col. 9 lines 27-58);

comparing the context for the call with a selection of context based criteria for particular line (abstract, col. 3 lines 27-32, col. 3 line 33 – col. 4 line 63, col. 5 lines 1-36, col. 6 lines 24-65, col. 6 lines 4-12, col. 6 lines 47-50, col. 7 line 13 – col. 8 line 54, col. 9 lines 27-58); and

only establishing a communication channel between the first party and second party through the particular line if the context is acceptable within the selection of context based criteria (abstract, col. 3 lines 27-32, col. 3 line 33 – col. 4 line 63, col. 5 lines 1-36, col. 6 lines 24-65, col. 6 lines 4-12, col. 6 lines 47-50, col. 7 line 13 – col. 8 line 54, col. 9 lines 27-58).

Morganstein does not explicitly show call screener.

Kuhn cites Morganstein (see References cited by Morganstein) wherein call screener used to elicit speech from incoming caller whereby the telephony system routes calls based on comparison of the elicited speech to a set of stored speaker models (abstract). Kuhn discloses that the context for call may be used to determine "company affiliation" of caller (columns 1-2). Kuhn further shows context used to determine different classes of callers whereby different actions to be taken (col. 2 lines 34-64, col. 3 lines 3-4). Kuhn even discloses regulating based upon time context (col. 4 lines 37-63). Kuhn allows for dynamic context information as well. For example, if user

wants to regulate calls from a rare coin vendor, the user simply creates context information to be used to regulate "coin vendors" (col. 4 line 19 – col. 5 line 63).

It would have been obvious for anyone of ordinary skill in the art at the time of invention to modify the processor as taught by Morganstein to use context based criteria as taught by Kuhn for the benefit of allowing user to dynamically select desired call context to be used as filtering criteria as taught by Kuhn.

Regarding claims 17, 20 and 23. Morganstein fails to show communication between call screener and calling party.

Kuhn cites Morganstein (see References cited by Morganstein) wherein call screener used to elicit speech from incoming caller whereby the telephony system routes calls based on comparison of the elicited speech to a set of stored speaker models (abstract). Kuhn discloses that the context for call may be used to determine "company affiliation" of caller (columns 1-2). Kuhn further shows context used to determine different classes of callers whereby different actions to be taken (col. 2 lines 34-64, col. 3 lines 3-4). Kuhn even discloses regulating based upon time context (col. 4 lines 37-63). Kuhn allows for dynamic context information as well. For example, if user wants to regulate calls from a rare coin vendor, the user simply creates context information to be used to regulate "coin vendors" (col. 4 line 19 – col. 5 line 63).

It would have been obvious for anyone of ordinary skill in the art at the time of invention to modify the processor as taught by Morganstein to use context based criteria

as taught by Kuhn for the benefit of prescreening telephone calls before connecting the telephone call to called party.

Regarding claims 18, 21 and 24. Morganstein fails to show communication between call screen and called party.

Kuhn cites Morganstein (see References cited by Morganstein) wherein call screener used to elicit speech from incoming caller whereby the telephony system routes calls based on comparison of the elicited speech to a set of stored speaker models (abstract). Kuhn discloses that the context for call may be used to determine "company affiliation" of caller (columns 1-2). Kuhn further shows context used to determine different classes of callers whereby different actions to be taken (col. 2 lines 34-64, col. 3 lines 3-4). Kuhn even discloses regulating based upon time context (col. 4 lines 37-63). Kuhn allows for dynamic context information as well. For example, if user wants to regulate calls from a rare coin vendor, the user simply creates context information to be used to regulate "coin vendors" (col. 4 line 19 – col. 5 line 63).

It would have been obvious for anyone of ordinary skill in the art at the time of invention to modify the processor as taught by Morganstein to use context based criteria as taught by Kuhn for the benefit of prescreening telephone calls before connecting the telephone call to called party.

Regarding claims 25, 35 and 45. . Morganstein teaches method, comprising:

detecting a context for a call from a first party to second party (abstract, col. 3 lines 27-32, col. 3 line 33 – col. 4 line 63, col. 5 lines 1-36, col. 6 lines 24-65, col. 6 lines 4-12, col. 6 lines 47-50, col. 7 line 13 – col. 8 line 54, col. 9 lines 27-58);

comparing the context for the call with a selection of context based criteria for particular line (abstract, col. 3 lines 27-32, col. 3 line 33 – col. 4 line 63, col. 5 lines 1-36, col. 6 lines 24-65, col. 6 lines 4-12, col. 6 lines 47-50, col. 7 line 13 – col. 8 line 54, col. 9 lines 27-58); and

only establishing a communication channel between the first party and second party through the particular line if the context is acceptable within the selection of context based criteria (abstract, col. 3 lines 27-32, col. 3 line 33 – col. 4 line 63, col. 5 lines 1-36, col. 6 lines 24-65, col. 6 lines 4-12, col. 6 lines 47-50, col. 7 line 13 – col. 8 line 54, col. 9 lines 27-58).

Morganstein does not explicitly show regulating calls.

Kuhn cites Morganstein (see References cited by Morganstein) wherein call screener used to elicit speech from incoming caller whereby the telephony system routes calls based on comparison of the elicited speech to a set of stored speaker models (abstract). Kuhn discloses that the context for call may be used to determine “company affiliation” of caller (columns 1-2). Kuhn further shows context used to determine different classes of callers whereby different actions to be taken (col. 2 lines 34-64, col. 3 lines 3-4). Kuhn even discloses regulating based upon time context (col. 4 lines 37-63). Kuhn allows for dynamic context information as well. For example, if user

wants to regulate calls from a rare coin vendor, the user simply creates context information to be used to regulate "coin vendors" (col. 4 line 19 – col. 5 line 63).

It would have been obvious for anyone of ordinary skill in the art at the time of invention to modify the processor as taught by Morganstein to use context based criteria as taught by Kuhn for the benefit of allowing user to dynamically select desired call context to be used as filtering criteria as taught by Kuhn.

Regarding claims 26, 36 and 46. Morganstein teaches fails to uses voice to authenticate.

Kuhn cites Morganstein (see References cited by Morganstein) wherein call screener used to elicit speech from incoming caller whereby the telephony system routes calls based on comparison of the elicited speech to a set of stored speaker models (abstract). Kuhn discloses that the context for call may be used to determine "company affiliation" of caller (columns 1-2). Kuhn further shows context used to determine different classes of callers whereby different actions to be taken (col. 2 lines 34-64, col. 3 lines 3-4). Kuhn even discloses regulating based upon time context (col. 4 lines 37-63). Kuhn allows for dynamic context information as well. For example, if user wants to regulate calls from a rare coin vendor, the user simply creates context information to be used to regulate "coin vendors" (col. 4 line 19 – col. 5 line 63).

It would have been obvious for anyone of ordinary skill in the art at the time of invention to modify the processor as taught by Morganstein to use context based criteria

as taught by Kuhn for the benefit of eliciting speech from caller thereby authenticating before connecting to called party as taught by Kuhn.

Regarding claims 27, 37 and 47. Morganstein fails to show third party criteria.

Kuhn cites Morganstein (see References cited by Morganstein) wherein call screener used to elicit speech from incoming caller whereby the telephony system routes calls based on comparison of the elicited speech to a set of stored speaker models (abstract). Kuhn discloses that the context for call may be used to determine "company affiliation" of caller (columns 1-2). Kuhn further shows context used to determine different classes of callers whereby different actions to be taken (col. 2 lines 34-64, col. 3 lines 3-4). Kuhn even discloses regulating based upon time context (col. 4 lines 37-63). Kuhn allows for dynamic context information as well. For example, if user wants to regulate calls from a rare coin vendor, the user simply creates context information to be used to regulate "coin vendors" (col. 4 line 19 – col. 5 line 63).

It would have been obvious for anyone of ordinary skill in the art at the time of invention to modify the processor as taught by Morganstein to use context based criteria as taught by Kuhn for the benefit of allowing user to dynamically select desired call context to be used as filtering criteria as taught by Kuhn.

Regarding claims 28, 38 and 48. Morganstein fails to show third party criteria.

Kuhn cites Morganstein (see References cited by Morganstein) wherein call screener used to elicit speech from incoming caller whereby the telephony system

routes calls based on comparison of the elicited speech to a set of stored speaker models (abstract). Kuhn discloses that the context for call may be used to determine "company affiliation" of caller (columns 1-2). Kuhn further shows context used to determine different classes of callers whereby different actions to be taken (col. 2 lines 34-64, col. 3 lines 3-4). Kuhn even discloses regulating based upon time context (col. 4 lines 37-63). Kuhn allows for dynamic context information as well. For example, if user wants to regulate calls from a rare coin vendor, the user simply creates context information to be used to regulate "coin vendors" (col. 4 line 19 – col. 5 line 63).

It would have been obvious for anyone of ordinary skill in the art at the time of invention to modify the processor as taught by Morganstein to use context based criteria as taught by Kuhn for the benefit of prescreening telephone calls before connecting the telephone call to called party.

Regarding claims 29, 39 and 49. Morganstein teaches using call identification number used to match incoming call (see last four lines of abstract).

Regarding claims 30, 40 and 50. Morganstein teaches the processor (10 figure 1) can be located locally (see PBX 14 figure 1).

Regarding claims 31, 41 and 51. Morganstein fails to show using external database. Kuhn discloses databases locally or external (col. 2 lines 32-34). It would have been obvious for anyone of ordinary skill in the art at the time of invention to modify the processor as taught by Morganstein to use context based criteria stored at

server as taught by Kuhn for the benefit of prescreening telephone calls via querying server database before connecting the telephone call to called party.

Regarding claims 32, 42 and 52. Morganstein shows prompting caller for particular extension path to connect (see PBX 14 used to direct incoming call to path 24 or path 25).

Regarding claims 33, 43 and 53. Morganstein fails to show controlling access.

Kuhn cites Morganstein (see References cited by Morganstein) wherein call screener used to elicit speech from incoming caller whereby the telephony system routes calls based on comparison of the elicited speech to a set of stored speaker models (abstract). Kuhn discloses that the context for call may be used to determine "company affiliation" of caller (columns 1-2). Kuhn further shows context used to determine different classes of callers whereby different actions to be taken (col. 2 lines 34-64, col. 3 lines 3-4). Kuhn even discloses regulating based upon time context (col. 4 lines 37-63). Kuhn allows for dynamic context information as well. For example, if user wants to regulate calls from a rare coin vendor, the user simply creates context information to be used to regulate "coin vendors" (col. 4 line 19 – col. 5 line 63).

It would have been obvious for anyone of ordinary skill in the art at the time of invention to modify the processor as taught by Morganstein to use context based criteria as taught by Kuhn for the benefit of eliciting speech from caller thereby authenticating before connecting to called party as taught by Kuhn.

Regarding claims 34, 44 and 54. Morganstein fails to teach monitoring call.

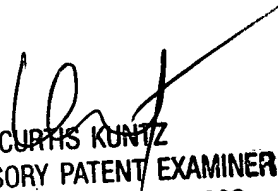
Kuhn cites Morganstein (see References cited by Morganstein) wherein call screener used to elicit speech from incoming caller whereby the telephony system routes calls based on comparison of the elicited speech to a set of stored speaker models (abstract). Kuhn discloses that the context for call may be used to determine "company affiliation" of caller (columns 1-2). Kuhn further shows context used to determine different classes of callers whereby different actions to be taken (col. 2 lines 34-64, col. 3 lines 3-4). Kuhn even discloses regulating based upon time context (col. 4 lines 37-63). Kuhn allows for dynamic context information as well. For example, if user wants to regulate calls from a rare coin vendor, the user simply creates context information to be used to regulate "coin vendors" (col. 4 line 19 – col. 5 line 63). Furthermore, Kuhn teaches "passive" mode wherein context data automatically created and "proactive" mode wherein user prompt to make decision on whether or not the monitored call context data be stored (col. 5 lines 26-51).

It would have been obvious for anyone of ordinary skill in the art at the time of invention to modify the processor as taught by Morganstein to use automatically store context based criteria as taught by Kuhn for the benefit of prompting user if he or she would like to store the context data to be used in future call screening.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barry W. Taylor whose telephone number is (703) 305-4811. The examiner can normally be reached on Monday-Friday from 6:30am to 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (703) 305-4708. The fax phone number for this Group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Technology Center 2600 customer service Office whose telephone number is (703) 306-0377.


CURTIS KUNTZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600